## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:18-CV-00506-RJC-DSC

DURGA PRASAD BESTHA M.D.,		)
Plaintiff,		)
v.		)
UNITED STATES OF AMERICA, et al.,	)	)
Defendants.		)

## **ORDER**

**THIS MATTER** is before the Court on the Federal Defendants' "Motion for a Stay of Case in Light of Lapse of Appropriations" (document #11). Plaintiff opposes a stay but consents to a two-week extension of the deadline for Federal Defendants to file their reply brief in support of their Motion to Dismiss (document #9).

Absent an appropriation, United States Department of Justice attorneys are prohibited from working on civil litigation, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. For this reason, the Motion is **GRANTED**.

IT IS HEREBY ORDERED that the above-captioned case is STAYED until the Court receives notice from the United States that Congress has restored appropriations to the United States Department of Justice; and

**FURTHER ORDERED** that upon the lifting of this stay, Federal Defendants' deadline to file their reply shall be extended ten days from the date the stay is lifted.

## SO ORDERED.

Signed: January 9, 2019

David S. Cayer

United States Magistrate Judge